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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/511,737	02/24/2000	Daniel Yellin	P-5332-US	5521

7590 11/05/2002

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EXAMINER

MAI, TAN V

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 11/05/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	09/511,737	Applicant(s)
Examiner	Marie T	Group Art Unit 2124

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 8-5-02, 10-4-02.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

Claim(s) 1-53 is/are pending in the application.

Of the above claim(s) 33-40 is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-32, 41-53 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of References Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-19 and 42-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per amended independent claim 1, the phrase "without affecting a result value" provided by the wave digital filter" is misdescriptive because the "delay" element affects the timing of the result value. In the remark, applicant states that "Ferrweis describes registers ...,but the delay affects the result of the wave digital filter". This is correct statement. It is unclear that applicant's "at least one controlled gate which delays" is a "delay" element "without affecting a result value" as claimed.

3. Claims 1-32 and 41-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Fettweis (Applicant's admission Prior Art) or Schwartz in view of van der Wal.

As per claims 1-32 and 41, rejection grounds continue to be those set forth in the previous office (Paper No. 7).

As new dependent claims 42-52, the detail features are obvious to a person having ordinary skill in the art.

Due to the similarity of independent claim 53 other independent claims, it is rejected under a similar rationale.

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4. Applicant's arguments filed on 8-5-02 have been fully considered but they are not persuasive.

Applicants, in his remarks, argues that: (1) "Fettweis describes registers... The van der Wal described ... variable delay elements that delay the values of IN1 and IN2 so that their horizontal and vertical signals are closely synchronizes ... Applicants respectfully submit that that the synchronization is required in order to prevent errors, and hence affects the result value of the value of the filter. Thus neither of the combined references teaches the limitation that the delay is performed without affecting the result value provided by the wave digital filter", and (2) "the Examiner did not establish a *prima facie* case of obviousness with regard to other claims" (emphasis added).

With respect to the arguments, the examiner carefully reviews all the applied references and the claimed invention. First, the Examiner agrees with Applicant that "synchronization is required in order to prevent errors, and hence affects the result value of the value of the filter" in van der Wal. It is noted that the amended feature "without affecting a result value provided by the wave digital filter" feature is misdescriptive. It is noted that Applicant "at least one controlled gate which delays..." feature is also "synchronized feature". For example, the elemnet (44) in Fig. 3 is received inputs In1-In3 and ENABLE signal (46). Therefore, the synchronization is required in order to propagate the "result value" by the ENABLE signal. Second, the examiner response to Applicant 's remark "the Examiner did not establish a *prima facie* case of obviousness with regard to other claims" as follow:

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Claim 4, van der Wal shows “variable delay elements”. A “variable delay element” should have a “control” or “ENABLE” [ as Applicant] signal to propagate the desired signal(s). Therefore, “variable delay element” is open when the value/signal it delays is expect to be valid or stable.

Claims 5 and 7, it is noted that the Examiner combines the “variable delay elemnets” of van der Wal in either Fettweis or Schwartz. Fettweis and Schwartz do show the claimed features.

Claim 9, Fettweis and Schwartz do show the claimed feature.

Claim 11, van del Wal shows “variable delay elemnets”. “Variable” means the time could be set.

Claim 14, see address in claims 5 and 7 , i.e., “combines the ‘variable delay elemnets’ of van der Wal in either Fettweis or Schwartz”.

Claim 41, it is noted that “control” or “ENABLE” [ as Applicant] signal propagates the desired signal(s) until the control/ENABLE signal changes the state.

Other claims, the combine the ‘variable delay elemnets’ of van der Wal in either Fettweis or Schwartz clearly perform the functions as claimed..

Therefore, the rejection is proper.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan V. Mai whose telephone number is (703) 305-9761. The examiner can normally be reached on Tue-Fri from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are:

After-final (703) 746-7238

Official (703) 746-7239

Non-Official/Draft (703) 746-7240.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



TAN V. MAI  
PRIMARY EXAMINER